

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

IN RE:	)	CASE NO.: 11-04116
	)	CHAPTER 13
BRIAN A. BAUER and	)	
ANGELA R. BAUER	)	Motion to Modify Plan After Confirmation
	)	
Debtors.	)	

Comes now the Debtors and in support of their Motion to Modify Plan After Confirmation state to the court the following:

1. The Debtor's Chapter 13 case was filed on October 21, 2011 and their Chapter 13 Plan was filed October 23, 2011.
2. Their Chapter 13 Plan was confirmed December 15, 2011.
3. In the Chapter 13 Trustee's Motion to Dismiss filed 4/30/15 it was alleged the Debtors had not turned over their 2013 federal refund and the Debtors were behind \$1339 in plan payments through April 2015.
4. It is the Debtors' understanding now the trustee's office agrees the 2013 federal refund was received but labeled as plan payments and that the Debtors are behind \$1470 in plan payments through April 2015.
5. Originally it was believed the Debtors Nissan loan would be satisfied in June 2014, but in reality a payment was still required in July and August 2014.
6. The Debtors ask they be allowed to reduce their current default by \$870 to accommodate these two additional car payments (\$435 for July and August).

7. In addition the Debtors have incurred \$2480.45 on only 2 recent medical bills that were not included in their estimated budget. (Copies of the bills will be sent separately to the Chapter 13 trustee for verification).
8. The Debtors received a combined state and federal tax refund of \$1600. The Debtors state tax returns indicates they were expecting a higher refund, but \$795 was offset by the Iowa Department of Revenue to satisfy a 2009 tax refund. The actual state refund received was around \$200. A copy of this letter will be provided to the chapter 13 trustee as well.
9. The Debtors ask they be allowed to retain the remaining 2014 state and federal refund (approximately \$1600) to apply toward the \$2480.45 in medical bills.
10. In addition, the Debtors ask they be allowed to skip the remaining \$600 in plan payments in default to apply toward the balance of the \$2480.45 in medical bills.
11. This would make their plan payments current through April 2015 with the next plan payment due around May 21, 2015 in the amount of \$635.
12. No other plan provisions will be changed and the plan payment will still increase to \$750 beginning September 2015 and \$840 beginning June 2016 after two 403b loans are satisfied.

Wherefore, the Debtors pray the court grant their Motion to Modify Plan after Confirmation and for such further and other relief as the court deems equitable in the premises.

Respectfully submitted,

/s/Deanna R. Bachman

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ATTORNEY FOR DEBTORS

### **CERTIFICATE OF SERVICE**

I, Deanna R. Bachman, hereby state that on the 1st day of May, 2015, a copy of the foregoing was mailed by US Mail, postage prepaid, to the following:

Brian & Angela Bauer via email

The foregoing was mailed electronically by the Clerk to all those who receive electronic notification.

s/ Deanna R. Bachman

Deanna R. Bachman